

REMARKS

By the present amendment, Applicant has amended Claims 1 and 8. Claims 1-13 remain pending in the present application. Claims 1 and 8 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held February 28, 2005. The present response summarizes the substance of the interview. At the interview the claims and prior art were discussed, and a model was exhibited. Arguments were advanced that structures taught by the prior art did not relieve the load imposed on the retaining pins. The retaining pins shown in each of the prior art references bore the braking load because the pins are positioned to hold the rotor and the hub such that when braking, the load would be transferred from the rotor to the retaining pins to the hub. Whether the pins are disposed in a recess, or a clevis, the load is transferred through the retaining pins. The claims of the instant application set forth that the engaging wall surfaces of the rotor protrusions, and the hub recesses bear the braking load forces, bypassing the retaining pins. Applicant's representative exhibited a model showing how the load bearing surfaces bypass the retaining pins during braking. The Examiner indicated that he would reconsider the application in light of the discussion and model upon the filing of a formal response to the outstanding Office Action.

In the Office Action date mailed November 24, 2004, the Examiner objected to the disclosure because of a misspelling in the Abstract. Applicant has corrected the misspelling of --recesses--. The Examiner also rejected Claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claims 1 and 8 to provide clear antecedent basis for the claim language. Applicant respectfully submits that Claims 1-13, as amended, meet the specific requirements of 35 U.S.C. § 112, second paragraph.

In the recent Office Action, the Examiner rejected Claims 1-5 and 8-11 under 35 U.S.C. 102(e), as being anticipated by Gotti et al.. Claims 1-5 and 8-11 were also rejected under 35 U.S.C. 102(b), as being anticipated by Stahl et al. (WO '771). Claims 1-5 and 8-11 were further rejected under 35 U.S.C. 102(a), as being anticipated by Lavezzi et al. (WO '882). The Examiner rejected Claims 6, 7, 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Gotti et al. in view of Nelson. Claims 6, 7, 12 and 13 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl et al. in view of Nelson. Claims 6, 7, 12, and 13 were further rejected under 35 U.S.C. 103(a) as being unpatentable over Lavezzi et al. in view of Nelson

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The applied prior art reference to Gotti et al. discloses a composite brake having a rotor and hub assembly having a plurality of resilient elements 13 interposed between the radial protuberances on the outer circumference of the hub and the radial protuberances on

the inner circumference of the rotor. Gotti et al. explicitly states that the elements 13 act to restrain the impact of the protuberances during braking, i.e., the elements provide a dissipation of the loading forces between the hub and the rotor, by bearing the load imposed thereon. This is expressly distinct from the instantly claimed embodiments. Claims 1 and 8 have been amended to positively recite that the mating surfaces bear the load stresses during braking and that the retaining pins are non-load bearing during braking. Applicant submits that Claims 1-5 and 8-11 are not anticipated by the Gotti et al. reference.

With respect to the rejection of Claims 6, 7, 12, and 13 as being obvious over Gotti et al. in view of Nelson, the reliance on the secondary references to Nelson is not understood. Nelson discloses a grease retainer in the form of a spring steel band 9 for compressing a cork seal 6 to a shaft 12. The band 9 is maintained in position by a portion of cap 1, and casing 7. There is no guidance or motivation in the prior art that would have led one having ordinary skill in the art to modify the Gotti et al. brake by incorporating a retaining band, a cap and a housing as suggested by the Examiner. Applicant respectfully requests the withdrawal of these particular grounds of rejection.

The applied anticipatory reference to Stahl et al. discloses a brake disc having a rotor and hub assembly having a plurality of connecting elements formed by the clevis members 3.1 and 3.2 on the hub and the protuberance 4 on the rotor. The connecting elements are maintained in position by a plurality of compression spring bushings 8. Stahl et al. explicitly states that the compression spring bushings 8 bear the load transfer from the rotor to the hub. This is expressly distinct from the instantly claimed embodiments. The

retaining pins of the presently claimed embodiments are non-load bearing. Applicant submits that Claims 1-5 and 8-11 are not anticipated by the Stahl et al. reference.

With respect to the rejection of Claims 6, 7, 12, and 13 as being unpatentable over Stahl in view of Nelson, Applicant submits that there appears no guidance or motivation from the prior art for motivation these references in the manner suggested by the Examiner for the reasons stated supra. One of ordinary skill in the art would not be capable of arriving at the presently claimed invention in light of the realistic teachings afforded by these references. Applicant respectfully requests the withdrawal of these particular grounds of rejection.

The applied anticipatory reference to Lavezzi et al. discloses a brake disc having a brake band and bell assembly having a plurality of connecting elements formed by the clevis members 22 and 24 on the brake band and the protuberance 84 on the bell. The connecting elements are maintained in position by a plurality of bushings 82. Lavezzi et al. explicitly states that the bushings 82 bear the load transfer from the brake band to the bell. This is expressly distinct from the instantly claimed embodiments. The retaining pins of the presently claimed embodiments are non-load bearing. Applicant submits that the patent to Lavezzi et al. is deficient as an anticipatory reference against the instant claims.

The secondary reference to Nelson fails to supplement the apparent deficiencies of the primary reference to Lavezzi et al. Thus, the combined teachings afforded by these references are insufficient to render Claims 6-7 and 12-13 obvious within the meaning of 35 U.S.C. 103

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Applicant respectfully submits that amended independent Claims 1 and 8, and respective dependent Claims 2-7, and 9-13 are allowable over the prior art applied of record.

The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the present claim amendments and above remarks is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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